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**THE ROLE OF THE DEPARTMENT OF DEFENSE  
AND THE ARMY IN THE WAR ON DRUGS**

BY

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THE ROLE OF THE DEPARTMENT OF DEFENSE AND THE ARMY  
IN THE WAR ON DRUGS  
AN INDIVIDUAL STUDY PROJECT

by

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The drug abuse problem in the United States continues to grow at an alarming rate despite the billions of dollars spent on drug interdiction and enforcement efforts. Severely impacting on our national economy, health, social welfare, and security, combating the drug problem has become one of America's principal domestic concerns. Clearly, the efforts of Federal, state and local law enforcement agencies have not been enough to curtail the problem, prompting the President and Congress to direct Department of Defense involvement, concentrating their efforts in stopping the flow of drugs at the source, in transit, and in the United States. This paper examines Department of Defense involvement in the "war on drugs", the missions assigned to the major commands, and legal impediments to the use of the military in this role. Further, the role of the Army is specifically examined.

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## INTRODUCTION

In this era of "family values", much has been said and written about the "war on drugs" and what can be done to win it. Although President Bush declared the war on drugs in September 1989 and called it "the nation's number one concern"<sup>1</sup>, after spending more Federal money in the past 3 years than in the previous 18 to combat drugs, more drugs are flowing into the United States at a higher purity and lower prices than ever before.<sup>2</sup> In combating the drug problem the President and Congress have directed Department of Defense (DOD) involvement. The purpose of this paper is to discuss the DOD effort in the war on drugs and, specifically, the Army's role.

## BACKGROUND

It is indisputable that drug abuse has a tremendous impact on our society. One needs only to look at the facts:

- 1) Americans consume 60% of the world's illicit drugs. According to data from the 1991 *National Institute On Drug Abuse National Household Survey On Drug Abuse*, 75.4 million Americans age 12 or over (37% of the population) reported use of illicit drugs at least once in their lifetime.<sup>3</sup>

- 2) Thirty-six percent of violent crimes are committed by persons under the influence of drugs, with the rate of drug-related homicides in cities across the country rising at an alarming level. In addition, three-fourths of

all robberies and one-half of all felony assaults committed by young people involve drug users.<sup>4</sup>

3) Felony drug convictions account for the single largest and fastest growing sector of the prison population. Between 1983 and 1989, the proportion of drug offenders in prison has increased 147%.<sup>5</sup>

4) The threat drugs pose to public health has never been greater, with HIV/AIDS virus infections of intravenous drug users and drug related hospital admissions continually rising. One half of all AIDS deaths are considered drug related and hospital admissions for drug related emergencies have increased by 121% over the past 3 years.<sup>6</sup>

5) With an estimated \$110 billion black market in drugs, greater than America's gross agriculture income and more than double the profits earned by all the Fortune 500 companies combined, and an estimated loss of \$60 billion to industry and business in lost productivity and on-site accidents, drugs significantly impact on our economy.<sup>7</sup>

The problem is not just domestic. Illegal drug activity adversely affects the United States foreign policy interests around the world. In Southeast and Southwest Asia, South and Central America, and the Caribbean basin, drug exporting networks and domestic drug use cause serious social, economic, and political disruptions. Drug cartel operations and associated local gangs that are responsible for violence, widespread corruption and purposeful intimidation,

in combination with on-going economic instability and political insurgencies, present a real danger to democratic institutions and civil order.<sup>8</sup>

United States security, which depends on regional stability throughout the Americas and across the globe, is threatened by the harmful effects of drug activity.

President Bush stated in the National Security Strategy of the United States (1991):

The international trade in drugs is a major threat to our national security. No threat does more damage to our national values and institutions.<sup>9</sup>

To tackle this problem, the President's strategic objective is to:

- reduce the flow of drugs by sharpening the focus of attack on drug trafficking organizations

- identify drug trafficking networks, determine their most vulnerable points, including leadership, operations centers, communications systems, shipping capability and transportation modes, processing facilities, chemical suppliers and financial assets and dismantle them by attacking these points simultaneously

- coordinate law enforcement attacks, especially against the traffickers' home base of operations

- isolate key growing areas, block importation and shipment of precursor and essential chemicals, destroy major processing and shipping centers and control key air and riverine corridors<sup>10</sup>

### DEPARTMENT OF DEFENSE INVOLVEMENT

The Department of Defense was initially reluctant to become involved in the counterdrug effort due to a variety of reasons. This reluctance was publicly stated by Secretaries of Defense Caspar Weinberger and Frank Carlucci, along with many senior military leaders. The factors most widely attributed for this reluctance included the initial lack of money to fund the resources providing the assistance, the perception that this effort would detract from traditional roles and missions, and the fear that the military would eventually be called to act as law enforcement agents, including making arrests of suspects.<sup>11</sup> Notwithstanding this reluctance, Congress has been determined to use the armed forces in the war on drugs and, as a result, DOD involvement has steadily increased over the past several years.

In the National Drug Interdiction Improvement Act of 1986 (NDIIA) (21 USC 801), Congress specifically stated "The Congress finds that DOD and the use of its resources should be an integral part of a comprehensive, national drug interdiction program" and noted that "since the amendment of the Posse Comitatus Act (18 USC 1385) in 1981, the DOD has assisted in the effort to interdict drugs, but they can do more".<sup>12</sup>

The purpose of the NDIIA was:

- (1) to increase the level of funding and



resources available to civilian drug interdiction agencies in the Federal government and (2) *to increase the level of support from the DOD, as consistent with the Posse Comitatus Act, for interdiction of narcotics traffickers before such traffickers penetrate the borders of the United States (emphasis added)* and (3) to improve other drug interdiction programs of the Federal government.<sup>13</sup>

Specifically, Subtitle A of the NDIIA, the DOD Drug Interdiction Assistance Act (18 USC 371), authorized appropriation of funds to enhance the drug interdiction assistance activities of DOD as follows:

- upgrading and refurbishment, for drug interdiction purposes, of four existing U.S. Navy E-2C Hawkeye surveillance aircraft (\$138 million)
- procurement of four replacement aircraft for the Navy
- procurement of seven radar aerostats (tethered balloons with radar) (\$99.5 million)
- procurement of eight Blackhawk helicopters (\$40 million)

The Act authorized the loaning of DOD equipment to law enforcement agencies by specifying that two of the upgraded/refurbished E-2C aircraft be made available to the Customs Service and two to the Coast Guard. In addition, it directed DOD to make the radar aerostats and helicopters acquired under the Act available to agencies of the United States designated by the National Drug Enforcement Policy Board, which was established by the National Narcotics Act

of 1984 (21 USC 1201). It further authorized DOD to loan military equipment to civilian law enforcement agencies, upon their request, and directed that the Secretary of Defense provide to Congress a detailed list of all forms of assistance available as well as a list of all equipment available, to include surveillance equipment, communications equipment, aircraft, naval vessels, and land vehicles.<sup>14</sup>

Title 10 of the FY 1989 National Defense Authorization Act gave DOD significant new responsibilities. It tasked DOD to (1) serve as the "single lead Federal agency" for the detection and monitoring of aerial and maritime transit of illegal drugs into the U.S. that are dedicated to the interdiction of illegal drugs, (2) integrate into an effective communications network the command, control, communications, and technical intelligence assets of the U.S., and (3) enhance the role of the National Guard, under state control, to support drug interdiction missions.<sup>15</sup>

The President's 1989 National Drug Control Strategy affected the DOD in several ways. It established policies to unite Federal counterdrug efforts with those of state, local, and private entities and it committed new resources for drug law enforcement, treatment, prevention efforts and the support of foreign allies. Most significantly, it called on the DOD to get actively involved in counterdrug operations, a theme that has continued in the 1990, 1991 and 1992 National Drug Control Strategy.

Secretary of Defense Cheney reiterated DOD's role by stating, "The detection and countering of the production, trafficking, and use of illegal drugs is a high priority national security mission of the Department of Defense."<sup>16</sup> His strategy for DOD's role in the counternarcotics effort included attacking drugs at the source, by providing increased training and operation support to host nations; attacking drugs in transit by combating flow of drugs across the Caribbean Sea and the southwestern U.S. border; and attacking drugs in the U.S. by assisting law enforcement agencies and using the National Guard.<sup>17</sup> He assigned the Chairman of the Joint Chiefs of Staff the mission of defining responsibilities and developing plans to implement the mission.

The Chairman directed regional execution of the mission. Pacific Command (PACOM), Atlantic Command (USLANTCOM), North American Air Defense Command (NORAD), Southern Command (SOUTHCOM) and Forces Command (FORSCOM) became responsible for DOD's counternarcotics operations within their geographical or functional areas of responsibility.

#### MAJOR COMMAND MISSIONS

##### UNITED STATES SOUTHERN COMMAND

A major part of the Department of Defense counterdrug strategy involves U.S. assistance to the world's principal cocaine-producing countries - the Andean Ridge nations of

Columbia, Peru and Bolivia. The United States Southern Command (USSOUTHCOM) leads the DOD efforts within these source countries. The command also plays an important role in fighting drug trafficking in some principal transit areas.<sup>18</sup>

During a recent interview on public television, GEN George Joulwan, CINCSOUTH, stated that drug interdiction was his primary mission.<sup>19</sup> He further stated "the USSOUTHCOM focus is on the Ambassador and his country team" and that his major thrust is to "support successful and decisive host nation counterdrug operations...[to]...destroy physical infrastructures for cultivation, processing and transportation...[and to]...neutralize key organization personnel by capture, arrest, extradition or imprisonment".<sup>20</sup>

In accomplishing the mission, the USSOUTHCOM *Southern Theater Strategy* includes a series of plans for forward-presence operations that include guidance for counterinsurgency, nation assistance, and counterdrug operations. The counterdrug campaign plan provides support to host nations to assist them in combating drug production and trafficking. It targets the drug source area (Andean Ridge), transit areas in Central America and other potential source and transit areas.<sup>21</sup>

Military assistance to the nations of the Andean Ridge has grown substantially over the past several years. In Columbia, for example, in 1988 the U.S. provided \$3 million

in military assistance. By 1989, after the President's "war on drugs" message, assistance to Columbia, which is the major final processor, marketer and distributor of cocaine, had increased to \$72 million. In 1990 and 1991, Columbia received \$71 million and \$56 million, respectively. Similar large increases in assistance, earmarked for counterdrug operations, were provided to other countries in the USSOUTHCOM area of responsibility.<sup>22</sup>

Although the policy of the United States is to not allow U.S. military personnel to accompany host nation personnel on actual field operations, the assistance provided by the United States has achieved considerable success in the Andean Ridge nations. By striking labs, airfields and major transshipment sites, the host nation governments have substantially disrupted the operations of the drug cartels.

- In Columbia, USSOUTHCOM trained 607 military personnel in 1991, mostly in tactics, equipment maintenance and the use of small arms. Approximately 2800 police personnel were also trained, primarily in counterdrug tactics.

- In Bolivia, USSOUTHCOM trained 1471 military personnel and 255 police personnel, primarily in riverine operations, planning operational missions, intelligence management, communications planning and support, and civic action.

- In Peru, no equipment or training support was "officially" provided by DOD in 1991 because Peru elected not to sign the grant-in-aid agreement. Training to 180 Peruvian police was provided, however, under the auspices and in support of the State Department's Bureau for International Narcotics Matters.<sup>23</sup>

The United States Southern Command continues to be a key player in support of DOD's efforts in counterdrug operations. As previously stated, it is now considered by the CINC to be their primary mission.

#### UNITED STATES ATLANTIC COMMAND

The United States Atlantic Command (USLANTCOM) assists in the detection and monitoring of the flow of illegal drugs into international waters and airspace in the Atlantic and Caribbean prior to the entry of drugs into U.S. territory. It maintains four or five Naval ships with a compliment of E-3 AWACS to support its efforts.<sup>24</sup> The command works closely with participating host nation officials. For example, procedures have recently been implemented for handing-off suspected air targets to jointly crewed Customs Service/Mexican Citation aircraft.<sup>25</sup>

Joint Task Force Four (JTF-4), a subordinate joint command of USLANTCOM, located in Key West, Florida, coordinates surveillance of the air and sea approaches to the continental United States (CONUS) through the Gulf of Mexico, Atlantic Ocean, and the Caribbean Sea, and assists

in developing counterdrug communications and intelligence networks. It provides information and support to assist drug law enforcement agencies (DLEAS). Its principal mission is to help DLEAS reduce the flow of drugs to CONUS from Latin America.<sup>26</sup>

#### UNITED STATES PACIFIC COMMAND

Due to the size of its area of responsibility and the number of vessels that routinely operate in it, most of the efforts of the United States Pacific Command (USPACOM) are in the area of improvement of its intelligence gathering and dissemination capacity. It is helping expand counterdrug intelligence coordination between the United States and Southeast Asian countries to provide potential narcotrafficking movement data to U.S. authorities.<sup>27</sup>

The USPACOM emphasis is primarily on the maritime flow into the west coast of the United States. To assist in this mission, Joint Task Force Five (JTF-5) was established in Alameda, California. A subordinate joint command of USPACOM, its principal mission is to detect and monitor maritime and air narcotrafficking from the Far East into the U.S. mainland. In addition, JTF-5 has the mission of integrating DOD and law enforcement communications networks to enhance command and control of counterdrug operations.<sup>28</sup>

United States Army, Pacific (USARPAC), a service component of USPACOM, is responsible for operations in support of drug law enforcement agencies in Alaska, Hawaii

and U.S. territories and possessions in the Pacific; and for support to nations in the USPACOM area of responsibility. USARPAC provides training support to DLEAS, drug demand reduction education, military assistance to host nations, and civil affairs and psychological operations support.<sup>29</sup>

#### NORTH AMERICAN AIR DEFENSE COMMAND

The North American Air Defense Command (NORAD) is charged with the defense of the air sovereignty of the North American continent. Its mission has been expanded to include counterdrug detection and monitoring. It employs a vast network of ground radars, aerostats and AWACS aircraft. In addition, it can call upon any number of its interceptor alert aircraft, which are positioned in 25 locations across America, to assist in tracking missions when required.<sup>30</sup>

#### UNITED STATES FORCES COMMAND

The United States Forces Command (FORSCOM) has the responsibility for coordinating all DOD operational support to counterdrug activities on the ground in CONUS. FORSCOM coordinates the use of Army, Marine Corps and Air Force elements in ground operations, as well as coordinating with the National Guard to ensure unity of effort at the state level.

A wide variety of training is made available to Federal, state and local law enforcement agencies. Training and assistance is provided in such areas as detection and



monitoring, use of ground sensors, transportation of law enforcement agents, intelligence analysis, and photo reconnaissance. In addition, engineering support activities, such as road improvement, brush clearing, and construction of observation posts are provided.<sup>31</sup>

Joint Task Force Six (JTF-6), located at Ft. Bliss, Texas, serves as a planning and coordinating headquarters, providing counterdrug support along the South West border of the United States. Working with Operation Alliance, a coordinating and planning group of over 20 Federal, state, and local DLEAS, which is collocated at Ft. Bliss, JTF-6 processes requests for assistance and passes them through FORSCOM to the Joint Staff (J-3, Counternarcotics Operations Division) for approval. Active units allocated to support Operation Alliance serve under the tactical control of JTF-6. Command of National Guard units remains with state military authorities.<sup>32</sup>

Many law enforcement agencies along the southwestern border of the U.S. have received support from JTF-6. Besides providing thousands of dollars worth of military equipment, various operations have been conducted in support of counterdrug efforts. Listening and observation posts have been established; ground and aerial reconnaissance activities have taken place; ground sensors have been emplaced and monitored; and terrain denial operations have been conducted. The numbers of operations continue to

increase. For example, in 1990 only 40 operations were conducted as compared to 305 in 1991.<sup>33</sup>

#### LEGAL IMPLICATIONS OF MILITARY INVOLVEMENT

The extent to which active duty military personnel can participate in counterdrug operations is limited by law. Historically, DOD policy for counterdrug support has been consistent with the constraints imposed by these laws, which primarily prohibit the use of the military to enforce civil law. Secretary of Defense Cheney emphasized this point in 1989 when he said, "We also need to make clear that the Defense Department is not a law enforcement agency. We do not enforce domestic criminal laws, nor can we solve society's demand problems. But, there is much that we can do without usurping the police role".<sup>34</sup>

Former Army Chief of Staff, GEN Carl E. Vuono, reiterated this idea in the *Army Counternarcotics Plan*, 17 April 1990, by stating, "While executing assigned missions, Army forces operating under Title 10, U.S. Code, will be in support of law enforcement operations. This support ... will be conducted within existing legal constraints."<sup>35</sup>

This policy has since been restated in *The Army Plan*, FY 1994-2009, October 1991, which states:

In countering the flow of drugs, all domestic and international activities undertaken by the armed forces will be consistent with the Posse Comitatus Act, the Foreign Assistance and the Arms Export Control Acts, and other laws.<sup>36</sup>

It further states "The Army is not, nor will it become, a law enforcement agency" and that all support to law enforcement agencies will be "consistent with statutory limitations ...".<sup>37</sup>

Two key laws, the Posse Comitatus Act (18 USC 1385) and the Economy Act (31 USC 1535), impose significant constraints on the use of the military in counterdrug operations. Title 10, United States Code, details the laws governing the restrictions imposed by these Acts and further delineates authorized activities of DOD personnel involved in supporting law enforcement operations.

The Posse Comitatus Act (18 USC 1385) prohibits the military from enforcing civil laws except to prevent loss of life or wanton destruction of property in an emergency or to protect Federal property and Federal government functions when local authorities cannot do so. The Posse Comitatus Act does not apply to the Coast Guard, which falls under the Department of Transportation, or the National Guard when not under Federal control.

The Posse Comitatus Act was originally passed in 1878 in the aftermath of the Civil War, in reaction to some of the worst excesses of the use of the Army during Reconstruction. It's purpose was to reinforce the idea that, in a democratic society, military enforcement of the law was not a desirable condition.<sup>38</sup>

Over the years, primarily in order for DOD to provide greater support to civilian law enforcement agencies in drug

interdiction, Congress has relaxed the Posse Comitatus Act several times. In addition, the Attorney General has recently ruled that the Posse Comitatus does not apply outside the territory of the United States, a ruling that may allow for future increased DOD counterdrug activities outside the United States.<sup>39</sup>

Section 375, Title 10, U.S. Code, which is more specific in specifying prohibited activities, does not permit "direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity..." when assisting civilian law enforcement agencies in counternarcotics operations. It further requires the Secretary of Defense to "prescribe such regulations as may be necessary to ensure (the) policy (was) not violated."

The Economy Act (31 USC 1535) requires civilian law enforcement agencies to reimburse DOD for support provided unless the support (1) is provided in the normal course of military training or operations or (2) results in a benefit to the element of DOD providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training. This reimbursement requirement severely limited the support requested by civilian law enforcement agencies in the past due to budget constraints. Passage of the National Drug Interdiction Improvement Act of 1986 (21 USC 801), as well as subsequent Presidential and DOD directives, have now all

but nullified this law by redefining military missions, although it is still on the books.

One final impediment to the use of the military in the war on drugs is Section 376, Title 10, U.S. Code, which states, in part, "Support (including the provision of any equipment or facility or the assignment or detail of any personnel) may not be provided...if the provision of such support will adversely affect the military preparedness of the United States." This issue of military preparedness is the one most cited by critics of military involvement in anti-drug operations.

#### ROLE OF THE ARMY

Military support of the counterdrug effort is a joint service venture, with each branch of service working together in support of the DOD strategy of attacking drugs at the source, in transit, and in the U.S. Each service, with its unique capabilities on land, sea, or in the air plays a key role in stemming the flow of illegal drugs into America. For the purposes of this paper, however, only the Army role will be looked at.

In releasing the *Army Counternarcotics Plan* in April 1990, GEN Carl E. Vuono, then Army Chief of Staff, stated:

The Army will execute this mission with the same dedication, skill, and professionalism that we apply to all of our national security missions. Total Army personnel and units will participate or assist in every facet of the national program.<sup>40</sup>

He defined the Army's mission as (1) providing forces to combatant commanders and to assist them in developing and executing plans to effectively employ the unique capability of Army forces, and (2) providing operational support, equipment training, and personnel...to counter drug production, trafficking, and use. GEN Vuono further specified that the Army would act unilaterally in counternarcotics operations only in drug abuse prevention and treatment, and in law enforcement or security matters on Army installations.

*The Army Plan, 1994-2009*, October 1991, defined the Army's counterdrug program as including the operational support of active duty, reserve, and guard forces and equipment; research, development, and procurement; intelligence; communication; drug abuse prevention and treatment; and support to law enforcement agencies. Further, it specified the Army's objectives as follows:

- Long-Range Planning Objective 1. Provide support to CINCSOUTH as required to counter drugs at the source and in transit.

- Mid-Range Planning Objectives.

- a. Priority of effort is to stem the flow of cocaine coming from South America by providing CINCSOUTH Army forces and equipment in support of the Andean Ridge Strategy.

- b. Encourage and assist host nation efforts to combat the flow of drugs through training, intelligence and equipment support.

- c. Provide nation assistance support to attack the long-term, root causes which sustain instability and the drug

infrastructure.

- Long-Range Planning Objective 2. Provide support to CINCFOR as required to counter drugs at the source, in transit and entering the United States.

- Mid-Range Planning Objectives.

a. Concentrate efforts to combat drug trafficking along the southwest border of the U.S.

b. Coordinate DOD support to Federal, state, and local law enforcement agencies.

- Long-Range Planning Objective 3. Provide support to CINCLANT, CINCPAC, and CINCEUR as required to counter drugs at the source and in transit.

- Mid-Range Planning Objectives.

a. Provide required forces in support of CINCLANT's counter-drug operations in the Caribbean.

b. Provide required forces in support of CINCPAC's counter-drug operations. Coordinate DOD support to Federal, state, and local law enforcement agencies. Encourage and assist host nation efforts to combat the flow of drugs through training, intelligence and equipment support.

c. Provide required capabilities to CINCEUR to develop and analyze drug trafficking patterns.

- Long-Range Planning Objective 4. Provide support to Federal, state and local law enforcement agencies to counter drugs at the source, in transit and in the U.S.

- Mid-Range Planning Objectives.

a. Provide operational support in the form of units in support of law enforcement agencies.

b. Provide non-operational support in the form of facilities, equipment and training opportunities.

c. Provide highly qualified personnel to fill joint manning requirements for commands, and to perform liaison duties with various Federal, state, and local law enforcement agencies.

- Long-Range Planning Objective 5. Provide support to the ongoing effort to make the Army drug free.

- Mid-Range Planning Objectives. Maintain

a comprehensive drug abuse program that includes prevention, education, and treatment to counter drug abuse among soldiers, family members and civilian employees.

- a. Conduct required Army drug testing.
- b. Conduct required Army drug rehabilitation.<sup>41</sup>

The Army Anti-Drug Task Force Division in the Deputy Chief of Staff for Operations (DCSOPS) serves as the single focal point for all operational and non-operational Army support to counternarcotics. It coordinates operational support of Army units involved in the anti-drug effort and non-operational support consisting of facilities, equipment loans, information, and personnel.

Active Army personnel and units have participated in several counterdrug operations outside the territorial boundaries of the United States. Operation BLAST FURNACE assisted the government of Bolivia in reducing the number of cocaine processing/drug storage sites. Army helicopters flew over 1200 hours in support of 107 operational missions of U.S. Drug Enforcement Administration (DEA) and Bolivian agents.<sup>42</sup> A similar operation in Peru, Operation SNOWCAP, was aimed at severing the flow of cocoa leaves from the Upper Huallega Valley.

The prohibitions imposed by the Posse Comitatus Act severely limits the use of Active Army personnel in the counterdrug effort in the United States. National Guard units and personnel, operating within their states and under state control, provide the bulk of the Army manpower directly involved in drug interdiction, seizure, and arrest.



In FY 1990, they performed more than 5,000 missions over almost 450,000 man-days. In FY 1991, the Guard performed 5,815 missions, including marijuana eradication operations in all 54 states and territories, ground and aerial surveillance operations in 45 states, and aerial and ground transportation support in 34 states.<sup>43</sup>

Indications are that the operations conducted by the National Guard have been successful in the interdiction of drugs and their effectiveness is increasing each year. For example, in 1990, the California Guard helped police confiscate \$240 million worth of drugs. In 1991, after participating in 161 counterdrug missions, they wiped out \$670 million worth of narcotics. In 1992 the missions more than doubled to 363 and they seized \$1.573 billion worth of drugs from traffickers.<sup>44</sup>

Another way the National Guard is involved in the drug war is in the training of National Guard, civilian law enforcement, and active duty personnel in counterdrug tactics. The National Interagency Counterdrug Institute, a federally funded, National Guard Bureau school in San Luis Obispo, California, and ten other locations, has trained about 1500 agents and soldiers since it opened in September 1990. Students in the one-week course take turns briefing classmates about their organizations' strengths and weaknesses and examine case studies of past counterdrug missions. They stage a practice operation, planning in detail how they would conduct a drug raid. Students are also

briefed by anti-drug activists and specialists. The course also emphasizes study by each agency of the assets and resources available from the other agencies in the course.<sup>45</sup>

Funding for National Guard operations in support of counterdrug operations is appropriated in Congress, passes through the Department of Defense, and is allocated to the states. Section 1105, Public Law 100-456, authorized DOD to fund National Guard counterdrug operations in addition to annual training. In FY 1990, the Guard received \$142 million for operations and \$38 million for equipment procurement.<sup>46</sup>

Active Army personnel and units participate in the training of law enforcement officials in the U.S. and abroad. Ranger instructors at Ft. Benning, Georgia, train Federal drug enforcement agents to operate and survive in a jungle environment.<sup>47</sup> Army training teams in Bolivia, Columbia, and Peru are teaching military skills to local police and DEA agents as well as helicopter maintenance and jungle flying skills to DEA agents serving in South America.<sup>48</sup> The U.S. Army Military Police School sends out numerous Mobile Training Teams to law enforcement agencies across America that cover such topics as drug investigation, criminal intelligence, special operations, demand reduction, narco-terrorism physical security, non-urban police operations and detention operations.<sup>49</sup>

Military Police drug detector dog teams presently augment U.S. Customs Service personnel conducting vehicle, cargo and container searches at U.S. ports of entry. The MP

canine (K-9) teams function under the immediate supervision of U.S. Customs Service officers, which limits the possibility of direct contact with drug smugglers. Additionally, teams have a strict set of Rules of Engagement (ROE), and do not participate in the apprehension or detention of suspects. While providing valuable assistance to the U.S. Customs Service, it also provides the Army with training value and enhances and further refines the MP K-9 teams' abilities in search techniques.<sup>50</sup>

Reconnaissance operations are the most frequently requested form of support.<sup>51</sup> Military Intelligence, Cavalry, Infantry, Special Forces, and Military Police units have been used extensively for surveillance operations and intelligence gathering. These missions, very similar to their wartime missions, provide an excellent training opportunity while providing valuable assistance to local authorities.

GEN Colin Powell, then FORSCOM commander, envisioned the concept of "terrain denial" in which units conducting normal training along the border tended to disrupt the smugglers' patterns. Units conducting primary mission training, unrelated to drug interdiction, would get excellent training opportunities through the deployment process as well as operating in unfamiliar terrain and the desert environment.<sup>52</sup>

Another area where Army manpower is authorized is the maintenance and operation of military equipment loaned to

law enforcement agencies. DOD is authorized by Section 372, Title 10, U.S. Code, to make available any equipment (to include associated supplies or spare parts) to any Federal, State, or local civilian law enforcement official for law enforcement purposes. Sections 373 and 374, Title 10, U.S. Code, authorize military personnel to train local officials to use the equipment and to assist in the maintenance of the equipment.

Army aviation is well suited for drug interdiction operations and its use by civilian authorities is increasing. With its maneuverability, night flying capability, and speed, the Blackhawk (UH-60) is valuable in shadowing small civilian aircraft and in locating illicit drug crops in rural areas. In addition, military helicopters are frequently used to transport agents to hard-to-reach areas along the border and to transport large amounts of contraband. Army personnel are authorized to fly the missions and maintain the aircraft.

Army equipment is routinely loaned to civilian law enforcement agencies for drug interdiction purposes. In addition to the helicopters already discussed, remotely monitored sensors, night vision sights and goggles, weapons, vehicles, boats, and chemical protective masks have aided the anti-drug effort. In 1990 almost \$74 million of Army equipment was on loan to civilian authorities in direct support of drug interdiction operations.<sup>53</sup>

### CONCLUSION

Stephen M. Duncan, Assistant Secretary of Defense for Reserve Affairs, the military's chief drug warrior, stated "There is absolutely no doubt at all that the Department of Defense has had a major impact on the successes of the law enforcement agencies fighting the drug war" and said that, because of military involvement in the drug war, "we are light years ahead of where we were a few years ago. There has been enormous progress in using the armed forces in this very unconventional mission."<sup>54</sup>

While the National Guard has provided the bulk of DOD personnel support to the counterdrug effort, to date, the Active Army's role has primarily been one of equipment support and limited personnel support. There is much more that the active forces can do and still stay within the statutory limitations of the Posse Comitatus Act and other laws limiting involvement.

Valuable training opportunities for Army units and personnel, most of it funded with money earmarked for the counterdrug effort, can be gained by becoming proactive. This does not necessarily mean a degradation of military readiness as critics would have you believe. In many instances, unit and individual training can be enhanced by counterdrug operations.

Operations in the vicinity of the southwestern border of the U.S. can serve the purposes of both military training and counternarcotics operations as envisioned by GEN

Powell's "terrain denial" concept. Real world training in the use of remote sensors, surveillance and intelligence gathering techniques, patrolling, civil-military operations, and operations in unfamiliar terrain would enhance any unit's training program.

Despite the billions of dollars pumped into the "war on drugs", illegal trafficking and use of drugs is steadily increasing. Coupled with the fall of the Soviet Union and the public's perception of the decrease in the threat to national security, the military's involvement in the drug war is sure to grow larger.

All members of the military have taken an oath to "protect and defend the Constitution of the United States against all enemies, foreign and domestic". As President Bush stated, drugs and drug traffickers are "the nation's number one concern" and are a "major threat to our national security". The military needs to become more involved in protecting the nation from this foreign and domestic enemy of our way of life.

## ENDNOTES

<sup>1</sup>"Package: Bush Proposes \$10.6 Billion Anti-Drug Plan," Harrisburg (Pa.) Patriot-News, 26 January 1990, sec. A, p. 5.

<sup>2</sup>Kathryn Kahler, "Bush Talk On Crime Is Unlike Clinton's," Harrisburg (Pa.) Patriot-News, 20 September 1992, sec. D, p. 2.

<sup>3</sup>Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Drugs and Crime Facts, 1991, (Washington, D.C.: U.S. Department of Justice, September 1992), 18.

<sup>4</sup>Ibid., 3.

<sup>5</sup>Ibid., 14.

<sup>6</sup>U.S. Army Military Police School. Military Police Support to Department of Defense Counternarcotics Operations. (Ft. McClellan, Ala.: U.S. Army Military Police School, 1991), 1-6.

<sup>7</sup>Ibid., 1-6 - 1-7.

<sup>8</sup>Ibid., 1-7.

<sup>9</sup>National Security Strategy of the United States (Washington, D.C.: The White House, August 1991), 17.

<sup>10</sup>William W. Mendel, "Illusive Victory: From Blast Furnace to Green Sweep," Military Review 72 (December 1992):75.

<sup>11</sup>William W. Epley, Roles and Missions of the United States-Army, Basic Documents with Annotations and Bibliography (Washington, D.C.; Center of Military History, 1991), 319.

<sup>12</sup>National Drug Interdiction Improvement Act, U.S. Code, vol. 8, secs. 3002-3003 (1986).

<sup>13</sup>Ibid.

<sup>14</sup>National Drug Interdiction Act, U.S. Code, vol. 7, sec. 3052 (1986).

<sup>15</sup>Joint Chiefs of Staff, Doctrine for Joint Operations in Low Intensity Conflict, Joint Publication 3-07 (Washington, D.C.: Joint Staff, October 1990), V-9.

<sup>16</sup>Department of Defense, News Release Number 461-90 (Washington, D.C.: U.S. Department of Defense), 18 September 1990.

<sup>17</sup>Military Police Support, 2-7 - 2-8.

<sup>18</sup>Stephen M. Duncan, "Counterdrug Assault: Much Done, Much To Do," Defense 92 (May/June 1992): 16-17.

<sup>19</sup>GEN George Joulwan, Commander-in-Chief, United States Southern Command, quoted in Harry Summers, "U.S. Addicted to Drug War in Latin America," Army Times, 2 November 1992, 23.

<sup>20</sup>Mendel, 76.

<sup>21</sup>Ibid., 75-76.

<sup>22</sup>Duncan, 13.

<sup>23</sup>Ibid., 13-14.

<sup>24</sup>Military Police Support, 2-13 - 2-14.

<sup>25</sup>Duncan, 17.

<sup>26</sup>William W. Mendel and Murl D. Munger, Campaign Planning and the Drug War (Carlisle, Pennsylvania: Strategic Studies Institute, U.S. Army War College, February 1991): 30-31.

<sup>27</sup> Duncan, 18.

<sup>28</sup>Mendel and Munger, Campaign Planning, 31.

<sup>29</sup>Ibid., 31.

<sup>30</sup>Military Police Support, 2-11.

<sup>31</sup>Ibid., 2-12.

<sup>32</sup>Mendel and Munger, Campaign Planning, 29.

<sup>33</sup>Duncan, 19.

<sup>34</sup>Dick Cheney, "DOD and its Role in the War Against Drugs," Defense 89 (November/December 1989): 3.

<sup>35</sup>Department of the Army, Army Counternarcotics Plan (Washington, D.C.: U.S. Department of the Army, 17 April 1990): 5.



<sup>36</sup>Department of the Army, The Army Plan, 1994-2009 (Washington, D.C.: U.S. Department of the Army, October 1991): E-1.

<sup>37</sup>Ibid., E-1.

<sup>38</sup>Epley, 116-117.

<sup>39</sup>Military Police Support, 2-2 - 2-3.

<sup>40</sup>Army Counternarcotics Plan, 1.

<sup>41</sup>The Army Plan, E-2 - E-3.

<sup>42</sup>Stephen G. Olmstead, LTG, USMC, Director, DOD Task Force on Drug Enforcement, Remarks before the Task Force on International Narcotics Control, House Committee on Foreign Affairs, Washington, D.C., 18 March 1987.

<sup>43</sup>Duncan, 20.

<sup>44</sup>Greg Seigel, "Hacking and Stacking the Stuff Like Never Before," Army Times, 9 November 1992, 21.

<sup>45</sup>Greg Seigel, "Guard Teaches Drug-War Tactics," Army Times, 30 November 1992, 24.

<sup>46</sup>Duncan, 20.

<sup>47</sup>Michael Gordon, "U.S. Postpones Deploying Ships Near Columbia," New York Times, 17 January 1990, sec. A, p. 1.

<sup>48</sup>David Hoffman, "Drug Raid is 1st Under Reagan Order," Washington Post, 16 July 1986, sec. A, p. 18.

<sup>49</sup>Military Police Support, 4-17.

<sup>50</sup>Military Police Support, 4-9.

<sup>51</sup>Dale E. Brown, "Drugs on the Border: The Role of the Military," Parameters 21 (Winter 1991-92): 54.

<sup>52</sup>Ibid., 56.

<sup>53</sup>Department of the Army, Office of the Chief of Staff, Operations, Current Operations, "List of Loans to Civilian Law Enforcement Agencies (Working Document)", (Washington, D.C.: U.S. Department of the Army, n.d.).

<sup>54</sup>William Matthews, "War On Deficit Crimps Military's War On Drugs," Army Times, 14 December 1992, 6.

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